IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 18800 of 1997

Dated 24th October, 2006

Between

Busani Yadagiri and ors.

….Petitioners

and

The Secretary to Government, Transport, Roads & Buildings Department, Government of AP, Secretariat, Hyderabad and ors.

…..Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :18800 of 1997

ORDER:

The petitioners, five in number, claiming to be the owners and possessors of the land covered by Sy.Nos. 1397,1398,1354,1366,1400,1401, 1403,1404 and 1405, admeasuring Ac.2.18 guntas situated in Panagal village of Nalgonda District, have

filed this Writ Petition seeking direction to the respondents not to take over their land, without due process of law.

In the affidavit filed in support of the Writ Petition, it is stated that without obtaining consent from the petitioners and without initiating proceedings under the provisions of the Land Acquisition Act, 1894, the respondents are trying to lay the by-pass road through their lands.

In the counter affidavit filed on behalf of the respondents, it is stated that the work of laying by-pass road from Panagal village, Nalgonda to Kattangur is sanctioned with an estimated cost of Rs.35.00 lakhs in Janma Bhoomi-III phase programme vide proceedings No.C2/4179/Z.P., dated 21-10-1997 issued by the District Collector. It is stated that the said work was entrusted to the Contractor, but however, no road was laid in a length of 400 meters, where the road passes through the land of the petitioners.

It is not disputed by the respondents that the petitioners are the owners of the aforesaid lands and the said road passes through their lands. If the lands of the petitioners are required for any public purpose, the same can be acquired either by obtaining consent of the petitioners or by initiating the proceedings under the provisions of the Land Acquisition Act, 1894. Therefore, I dispose of the Writ Petition directing that if the lands of the petitioners are required for any public purpose, the petitioners cannot be deprived of their lands otherwise than by due process of law. It is equally open for the respondents to obtain consent from the petitioners and if such consent is given, it is open for the respondents to proceed with the road work.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 24-10-2006
Msnr.

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